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U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 4.2] (Albany)
CIVIL DOCKET FOR CASE #: 1:10-cv-01039-MAD -RFT

Megibow v. Secretary of the Treasury of the United States
Assigned to: U.S. District Judge Mae A. D'Agostino
Referred to: Magistrate Judge Randolph F. Treece
Cause: 05:552 Freedom of Information Act

Date Filed: 08/26/2010
Date Terminated: 06/28/2011
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Alec Jeffrey Megibow, M.D.

represented by **Anthony M. Bentley**
A.M. Bentley, P.C.
116 West 72nd Street
New York, NY 10023-3315
212-459-4067
Fax: 212-877-2868
Email: judge@counsellor.com
ATTORNEY TO BE NOTICED

V.

Defendant

Secretary of the Treasury of the United States

represented by **Barbara D. Cottrell**
Office of United States Attorney - Albany
445 Broadway
218 James T. Foley U.S. Courthouse
Albany, NY 12207-2924
518-431-0247
Fax: 518-431-0249
Email: barbara.cottrell@usdoj.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/26/2010	<u>1</u>	COMPLAINT against Secretary of the Treasury of the United States (Filing fee \$350 receipt number 1651505) filed by Alec Jeffrey Megibow, MD. (Attachments: # <u>1</u> Civil Cover Sheet) (dpk) (Entered: 08/27/2010)
08/27/2010	<u>2</u>	G.O. 25 FILING ORDER ISSUED: Initial Conference set for 1/20/2011 at 9:30 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 1/6/2011. (dpk) (Entered: 08/27/2010)
08/27/2010	<u>3</u>	Summons Issued as to Secretary of the Treasury of the United States, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons Issued as to the U.S. Attorney, # <u>2</u> Summons Issued as to the U.S. Attorney General) (dpk) (Entered: 08/27/2010)
01/05/2011	<u>4</u>	Letter Request dated January 1, 2011 filed by Anthony M. Bentley, Esq. for Alec Jeffrey Megibow, MD requesting that the court adjourn the initial conference, to grant a request for a settlement conference and to conduct the settlement conference in person. Submitted to Judge Randolph F. Treece. (sg) (Entered: 01/05/2011)
01/10/2011		ORDER granting <u>4</u> Letter Request, Settlement Conference set for 2/4/2011 03:00 PM in Albany before Magistrate Judge Randolph F. Treece in Room 409, Fourth Floor. All Parties with FULL AUTHORITY to settle this matter are directed to attend. Signed by Magistrate Judge Randolph F. Treece on 1/10/2011. (rzh,) (Entered: 01/10/2011)
01/10/2011	<u>5</u>	ORDER Setting Settlement Conference: IT IS HEREBY ORDERED, that this matter is set for an IN-PERSON Settlement Conference before Magistrate Judge Randolph F. Treece in Chambers on 2/4/2011 at 3:00PM. Signed by Magistrate Judge Randolph F. Treece on 1/10/2011. (sg) (Entered: 01/10/2011)
01/19/2011	<u>6</u>	AMENDED COMPLAINT against Secretary of the Treasury of the United States filed by Alec Jeffrey Megibow, MD.(Bentley, Anthony) (Entered: 01/19/2011)
01/31/2011	<u>7</u>	ANSWER to <u>6</u> Amended Complaint by Secretary of the Treasury of the United States.(Cottrell, Barbara) (Entered: 01/31/2011)
02/07/2011	<u>8</u>	STATUS REPORT by Secretary of the Treasury of the United States. (Cottrell, Barbara) (Entered: 02/07/2011)

02/07/2011		ORDER: The Defendant filed a Status Report. Dkt. No. 8 . The Court directs the Plaintiff, on or before February 14, 2011, to electronically file a response to the Defendant's offer to produce for inspection the Treasury Check in question, with a presentation of the proper authentication by either the Plaintiff or his Counsel. SO ORDERED. Signed by Magistrate Judge Randolph F. Treece on 2/7/2011. (Treece, Randolph) (Entered: 02/07/2011)
02/08/2011	9	NOTICE by Alec Jeffrey Megibow, MD re 8 Status Report <i>objection, without prejudice to respond to Order of 2/7/11</i> (Bentley, Anthony) (Entered: 02/08/2011)
02/11/2011		TEXT ORDER: In light of the recent filings, <i>see</i> Dkt. Nos. 8 & 9 , Defendant has indicated the desire to file a dispositive motion. WHEREFORE, the Defendant shall have thirty days from the date of this Text Order to file a dispositive motion, which shall be returnable before the assigned District Judge. Signed by Magistrate Judge Randolph F. Treece on 2/11/11. (rlh) (Entered: 02/11/2011)
02/13/2011	10	NOTICE by Alec Jeffrey Megibow, MD of <i>Objection to text order of 2/7/11</i> (Bentley, Anthony) (Entered: 02/13/2011)
02/18/2011	11	NOTICE by Alec Jeffrey Megibow, MD of <i>Objection to text order entered 2/11/11</i> , (Bentley, Anthony) (Entered: 02/18/2011)
02/22/2011		ORDER OF CLARIFICATION: Plaintiff asserts that there may have been an improper ex parte conversation with the Court. Dkt. No. 11 . To assure the Plaintiff, no ex parte conversation of any substance occurred between any party and this Court. Often parties may call to determine what is the next procedural step, as Plaintiff did when he communicated with this Court's courtroom deputy in an attempt to schedule a settlement conference. Neither the Court nor the Defendant consider that communication ex parte. Nonetheless, for the Plaintiff's edification, neither party has to ask the Court for permission to file a dispositive motion, however, it is generally this Court's practice to issue a time frame for the filing of dispositive motions to expeditiously and efficiently advance a case. If this Order has not resolved to Plaintiff's satisfaction its claims of ex parte communication, he has the right to appeal the previous order to the District Judge for whatever effect and consequence it may bear. SO ORDERED. Signed by Magistrate Judge Randolph F. Treece on 2/22/2011. (Treece, Randolph) (Entered: 02/22/2011)
03/11/2011	12	MOTION to Dismiss Motion Hearing set for 4/15/2011 09:30 AM in Albany before Senior Judge Lawrence E. Kahn Response to Motion due by 3/29/2011 Reply to Response to Motion due by 4/4/2011. filed by Secretary of the Treasury of the United States. (Attachments: # 1 Memorandum of Law, # 2 Affidavit) (Cottrell, Barbara) (Entered: 03/11/2011)
03/29/2011	13	AFFIDAVIT in Opposition re 12 MOTION to Dismiss <i>Declaration in Opposition</i> filed by Alec Jeffrey Megibow, MD. (Attachments: # 1 Exhibit(s) A-F)(Bentley, Anthony) (Entered: 03/29/2011)

04/04/2011	<u>1</u> <u>4</u>	STATUS REPORT by Secretary of the Treasury of the United States. (Cottrell, Barbara) (Entered: 04/04/2011)
04/08/2011	<u>1</u> <u>5</u>	STATUS REPORT <i>As of 04-08-11</i> by Alec Jeffrey Megibow, MD. (Bentley, Anthony) (Entered: 04/08/2011)
04/20/2011	<u>1</u> <u>6</u>	ORDER REASSIGNING CASE. Case reassigned to U.S. District Judge Mae A. D'Agostino for all further proceedings. Senior Judge Lawrence E. Kahn no longer assigned to case. Signed by Chief Judge Norman A. Mordue on 4/20/11. (ban) (Entered: 04/21/2011)
04/25/2011		TEXT NOTICE of Hearing on Motion <u>12</u> MOTION to Dismiss:The Motion Hearing is reset for 5/3/2011 10:00 AM in Albany (ON SUBMIT) before U.S. District Judge Mae A. D'Agostino. The Motions will be decided on the submission of the papers, only. NO personal appearances are necessary. No further submissions will be accepted without the prior approval of the Court.(ban) (Entered: 04/25/2011)
06/08/2011		TEXT SCHEDULING NOTICE SETTING ORAL ARGUMENT ON MOTION: Oral Argument will be heard on <u>12</u> MOTION to Dismiss. Oral Argument is set for 6/23/2011 at 02:00 PM in Albany before U.S. District Judge Mae A. D'Agostino. The parties should be prepared to discuss, among other things, why the Government's offer to release the requested information to plaintiff's counsel pursuant to a Court order, so long as counsel provides authorization and authentication materials prior to such release, is an unacceptable resolution to this matter. (ban) (Entered: 06/08/2011)
06/21/2011	<u>1</u> <u>7</u>	LETTER BRIEF by Alec Jeffrey Megibow, MD. (ban) (Entered: 06/21/2011)
06/23/2011		TEXT Minute Entry for Oral Argument/Motion Hearing held on 6/23/2011 before U.S. District Judge Mae A. D'Agostino re <u>12</u> MOTION to Dismiss filed by Secretary of the Treasury of the United States. Appearances by AUSA Barbara D. Cottrell, and Anthony Bentley, Esq.. After considering the parties arguments, the Court has decided to treat <u>12</u> Motion, as a Motion for Summary Judgment. The parties have until 7/13/11 to file additional briefing and information re <u>12</u> motion for summary judgment. Counsel for both parties are further directed to contact the court if the parties feel that a settlement conference would be helpful in resolving this matter. (Court Reporter Bonnie Buckley, CRD B. Norton) (ban) (Entered: 06/23/2011)
06/27/2011		TRANSCRIPT REQUEST by Alec Jeffrey Megibow, MD for motion hearing held on 6/23/2011 before Judge Mae A. D'Agostino.. (bjb,) (Entered: 06/27/2011)
06/27/2011	<u>1</u> <u>8</u>	STIPULATION of Dismissal by Secretary of the Treasury of the United States submitted to Judge D'Agostino. (Cottrell, Barbara) (Entered: 06/27/2011)

06/28/2011	<u>1</u> <u>9</u>	STIPULATION AND ORDER DISCONTINUING ACTION, without costs to either party as against the other. Signed by U.S. District Judge Mae A. D'Agostino on 6/28/11. (ban) (Entered: 06/28/2011)
07/01/2011	<u>2</u> <u>0</u>	TRANSCRIPT of Proceedings: motion hearing held on 6/23/2011 before Judge Mae A. D'Agostino, Court Reporter: Bonnie Buckley, Telephone number: 518-257-1898. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Request Redaction with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at www.nynd.uscourts.gov . <u>Read this policy carefully.</u> If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/22/2011. Redacted Transcript Deadline set for 8/1/2011. Release of Transcript Restriction set for 9/29/2011. Notice of Intent to Redact due by 7/6/2011 (bjb,) (Entered: 07/01/2011)

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